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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,284	12/08/2004	Matthias Muth	DE02 0149 US	2817
65913	7550	08/25/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			FAHERTY, COREY S	
			ART UNIT	PAPER NUMBER
			2183	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/517,284

Applicant(s)

MUTH, MATTHIAS

Examiner

Corey S. Faherty

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Request for Continued Examination filed on 06/29/2009.
2. Claims 1 and 3-13 are pending in the application and have been examined.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/29/2009 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 1, 3, 5 and 9-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stolan (U.S. Patent 5,864,663) in view of Juzswik (U.S. Patent 4,698,748).

7. Regarding claims 1, 5 and 9, Stolan discloses a method of monitoring the operation of at least one microcontroller unit that is intended for at least one application and is associated with a system, by means of at least one base chip, particularly a system base chip [col. 1, lines 11-16; a circuit monitors a microprocessor], characterized in that:

a reset of the microcontroller unit is caused if a reset condition is detected, wherein the reset condition is transmission of at least one special sequence, particularly at least one drive or access sequence assigned to the reset operation, to the base chip [col. 2, line 66 – col. 3, line 4] and the reset of the microcontroller unit is confirmed under an enquiry routine by checking whether the at least one special sequence has been successfully transmitted to the base chip [col. 2, line 66 – col. 3, line 4; the system selects either an overflow condition or an external reset; the external reset system constitutes part of the “special sequence”; by selecting the external reset and then detecting that the external reset is set, the system is “checking” whether the special sequence has been successfully applied]; and

a special mode of operation, particularly a flash mode of the base chip, can be activated once after the check has been made to see whether the special sequence has been successfully applied and after the reset operation, by allowing access to at least one monitoring module that is associated with the base chip to take place in a manner which is simplified in comparison with the normal mode of operation of the microcontroller unit [col. 2, lines 41-45; col. 2, line 66 – col. 3, line 4; col. 5, lines 5-16; a programmable reset can be used in place of a watchdog timer reset].

Stolan does not explicitly disclose the steps of supplying a permanent energy supply from a battery unit to the monitoring module; and switching a microcontroller supply unit of the base chip to enable or disable a temporary energy supply from the battery unit to the microcontroller unit. However, Juzswik discloses using this technique [col. 2, line 32 – col. 3, line 4] for the purpose of reducing power consumption in a system having a microprocessor and a watchdog timer. Such operation would therefore have been obvious in the system of Stolan.

8. Regarding claim 3, Stolan discloses a method as claimed in claim 1, characterized in that: during the special mode of operation, use is made of a special trigger code or a special trigger signal for the monitoring module that is different from the normal mode of operation [col. 2, lines 41-45; col. 2, line 66 – col. 3, line 4; col. 5, lines 5-16; a programmable reset can be used in place of a watchdog timer reset]; and a fresh reset of the microcontroller unit is caused by the normal trigger code or the normal trigger signal, to enable the special mode to be exited again [col. 5, lines 5-16; a signal determines which type of reset may occur].

9. Regarding claims 10-13, Stolan in view of Juzswik discloses that the microprocessor is intended for the electronics of motor vehicles [Juzswik, col. 1, lines 18-23].

10. **Claims 4 and 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stolan in view of Juzswik as applied to claims 1 and 5 above, and further in view of Ubicom (*Ubicom Product Report – IP2022 Internet Processor*).

11. Regarding claims 4 and 6, Stolan discloses a method as claimed in claim 1, characterized in that: a distinction can be made between reset events that differ in relation to the operation of the microcontroller unit [col. 5, lines 5-16; a signal determines which type of reset may occur]. Stolan does not explicitly disclose that these different reset events are suitably logged and made

known in at least one register unit by means of different register entries. However, as shown by Ubicom [page 22, sections 3.6.2, 3.6.3], such operation is common in processing systems because it is advantageous to know the cause of a reset in order to perform specific processing operations associated with that type of reset. It therefore would have been obvious to perform such operation in the system of Stolan.

12. Regarding claim 7, Stolan in view of Ubicom discloses a base chip as claimed in claim 6, characterized in that: the monitoring module is triggerable in particular by means of at least one interface unit [Stolan, col. 2, lines 41-45; col. 2, line 66 – col. 3, line 4; col. 5, lines 5-16; an interface unit causes a reset]; and/or to distinguish between the particular accesses to the monitoring module, different reset events can be marked by different trigger codes or trigger signals [Stolan, col. 2, lines 41-45; col. 2, line 66 – col. 3, line 4; col. 5, lines 5-16; different signals indicated different types of resets].

13. Regarding claim 8, Stolan in view of Ubicom discloses a base chip as claimed in claim 7, characterized in that there is provided between the monitoring module and the microcontroller unit at least one signal line for transmitting at least one trigger code or trigger signal that differs from the normal mode of operation of the microcontroller unit [Stolan, col. 2, lines 41-45; col. 2, line 66 – col. 3, line 4; col. 5, lines 5-16; a programmable reset can be used in place of a watchdog timer reset].

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1 and 3-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-9 of copending Application No. 10/517471 in view of Stolan, Juzswik and Ubicom. Although the claims are not identical, the claims of the instant application are not patentably distinct from the claims of the copending

application because the claims of the instant application are obvious in view of the claims of the copending application in combination with the teachings of Stolan, Juzswik and Ubicom as applied above.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

16. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey S. Faherty whose telephone number is (571) 270-1319. The examiner can normally be reached on Monday-Thursday and every other Friday, 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eddie P Chan/
Supervisory Patent Examiner, Art Unit 2183

/Corey S Faherty/
Examiner, Art Unit 2183